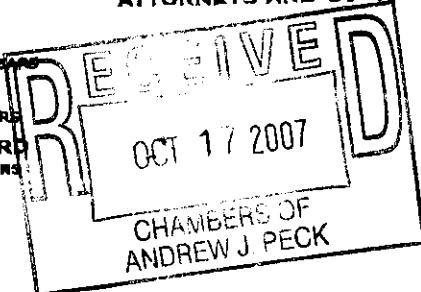




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DATE FILED: 10/17/07

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DORI ANN CACIOPPO, RN
NURSE CONSULTANT

October 17, 2007

MEMO ENDORSED

To Plaintiff's Counsel, by
Law Office of Daniel Patrick Moynihan,
500 Pearl Street, Suite 1370
New York, New York 10007
10/17/07

VIA FACSIMILE - 212-805-7933

Hon. Andrew J. Peck
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Suite 1370
New York, New York 10007

Re: Sakif, et al. v. The United States
No. 06 CV 2719(AJP)

SO ORDERED:

Hon. Andrew J. Peck
United States Magistrate Judge

BY FAX

Dear Judge Peck:

As you are aware, you placed this matter on the Supreme Court calendar until further Court Order. As of the last status report we gave you, plaintiff had moved, by Order to Show Cause, in the Supreme Court, Bronx County. Just prior to the return date of the Order to Show Cause, counsel for Lawrence Ham, M.D. signed a Stipulation consenting to serve an answer in the Supreme Court action.

As such, at this time, we are awaiting receipt of answers of the defendants in the Supreme Court action. The answer of the hospital is to be served on or before October 18, 2007. The answer of Lawrence M. Ham is due to be served on or before October 29, 2007.

PEGALIS & ERICKSON, LLC

Hon. Andrew J. Peck
United States Magistrate Judge
October 17, 2007
Page 2

Thank you for your attention to this matter.

Very truly yours,

PEGALIS & ERICKSON, LLC


Rhonda L. Meyer

RLM:bc

cc: Peter Taglia 212-227-6050 (via facsimile)
Dwyer & Taglia

Elliot Zucker 212-593-6970 (via facsimile)
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Matthew Schwartz - 212-637-2750 (via facsimile)
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FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

**Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036**

Dated: October 17, 2007

Total Number of Pages: 3

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TRANSCRIPTION:

MEMO ENDORSED 10/17/07

The Court assumes that once all defendants have answered in state court, this case can be dismissed w/o prejudice. Take that into consideration when furnishing the next status letter.